

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

|                                   |   |                            |
|-----------------------------------|---|----------------------------|
| United States of America,         | ) | C/A No.: 6:03-cr-00609-GRA |
|                                   | ) |                            |
| Plaintiff,                        | ) | <b>ORDER</b>               |
|                                   | ) | (Written Opinion)          |
| v.                                | ) |                            |
|                                   | ) |                            |
| Ferrel Benjamin Gibbs, #10382-171 | ) |                            |
|                                   | ) |                            |
| Defendant.                        | ) |                            |
| _____                             | ) |                            |

This matter is before the Court on defendant's request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §§ 552-552a. On . On December 17, 2007, defendant filed a FOIA seeking documents related to the Court's constitutional authority to adjudicate his criminal case, as well as other similar information.

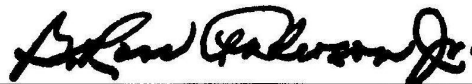
Defendant bring this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The Freedom of Information Act (FOIA) requires "agencies," to make certain information available to the public for viewing or copying. 5 U.S.C. § 552a. However,

the FOIA specifically excludes "the courts of the United States," from its statutory definition of "agency." 5 U.S.C. § 551(1)(B); *see United States Dep't of Justice v. Julian*, 486 U.S. 1, 18 n.1 (1988) (Scalia, J., dissenting). Therefore, because Defendant's FOIA request was filed with the courts of the United States, and because the courts of the United States are not agencies under FOIA and are not subject to its requirements, Defendant's request is not supported by any statutory authority and is, therefore, DENIED.

IT IS THEREFORE ORDERED that Defendant's request for information under the Freedom of Information Act be DENIED.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

January 4, 2008  
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Defendant is hereby notified that she has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal..